

## **REMARKS/ARGUMENTS**

### ***I. Status of the claims***

With entry of this Amendment, claim 1 is amended. Claims 1, 4-5, 7-13, and 15-26 are pending with entry of the Amendment. No new matter is added.

### ***II. Interview***

Applicants thank the Examiner for the helpful phone interview on January 24, 2008. The Examiner suggested that amending claim 1 to (a) add the term "isolated" and (b) indicate the polypeptide is expressed by the bacterium, would overcome the rejections under 35 USC § 112. The Examiner further requested that Applicants supply a declaration explaining the difficulties of transforming *L. jensenii* prior to the filing of the present patent application. It is Applicants understanding that providing this declaration, along with an explanation that the cited art did not describe the recited targeting regions, should overcome the remaining rejections.

Applicants have amended the claims as the Examiner suggested. Therefore, based on the interview, it is Applicants understanding that the rejections made under 35 USC § 112 will be withdrawn.

The accompanying Declaration of Qiang Xu, Ph.D. under 37 CFR § 1.132 was originally filed during the prosecution of US Patent Application No. 10/383,834 and addresses the difficulties of transforming *L. jensenii* prior to the filing of the present patent application. The Declaration explains why the Tagliabue reference cited in the Office Action is not enabling for transformation of *L. jensenii*. Further, even if Tagliabue was enabling (which it is not), the reference does not teach or suggest the specific heterologous carboxyl terminal cell wall targeting regions recited in the present claims.

It is Applicants understanding from the interview that the rejection of the claims as anticipated by the Chang patent under 35 USC § 102(e) will be withdrawn. It should be noted that the priority provisional application of the present application disclosed the specific heterologous carboxyl terminal cell wall targeting regions recited in the claims before the March 6, 2003 filing date of the Chang patent. The Chang priority provisional application did not

disclose the specific heterologous carboxyl terminal cell wall targeting regions presently under examination.

It is Applicants understanding from the interview that the obviousness rejections are overcome by the submission of the declaration. None of the cited art teaches or suggests the specific heterologous carboxyl terminal cell wall targeting regions presently under examination.

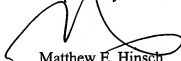
In view of the above arguments and accompanying declaration, Applicants respectfully request withdrawal of all of the pending rejections.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew E. Hinsch', with a stylized flourish at the end.

Matthew E. Hinsch  
Reg. No. 47,651

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
Attachments  
MEH:meh  
61287474 v1